

cc: J. Caldwell, J. Caldwell
M. J. Blumitt

OFFICE OF THE CLERK

MARCIA M. WALDRON
 CLERK

UNITED STATES COURT OF APPEALS
 FOR THE THIRD CIRCUIT
 21400 UNITED STATES COURTHOUSE
 601 MARKET STREET
 PHILADELPHIA 19106-1790

TELEPHONE
 215-597-2995

Harrisburg Clerk of District Court
 (District)

Date 11/25/02

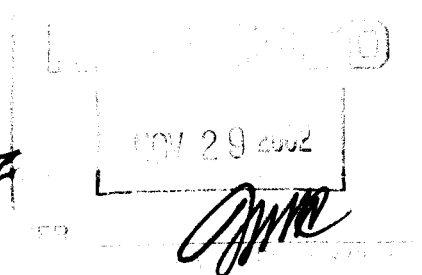
Benson v. Duran
 (Caption)

C. of A. No. 02-3867

Jason Eric Benson
 (Appellants)

00-cv-1229
 (D.C. No.)

J. Caldwell / M. J. Blumitt



Enclosures:

11/25/02 Certified copy of C. of A. Order by the Court/Clerk
 (Date)

 Released (Record) (Supplemental Record - First - Second - Third)

XXXXX Copy of this form to acknowledge receipt and return to C. of A.

 Record not released at this time until appeal(s) closed at No.(s)

 Please forward Certified List in Lieu of Record to this office.

 The certified copy of order issued as the mandate on
 is recalled.

Dana M. Moore

Dana M. Moore (267)-299- 4927

Deputy Clerk Telephone Number

Receipt Acknowledge:

 (Name)

 (Date)

Rev. 3/13/00
 Appeals (Certified List in Lieu of Record)

EPS-044

November 22, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 02-3867Benson v. Duran
(M.D. Pa. No. 00-cv-01229)FILED
HARRISBURG, PA

NOV 29 2002

To: Clerk

MARY E. D'AMICO, CLERK
Per  Deputy Clerk1) Motion for Leave to Proceed In Forma Pauperis


The foregoing Motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$105.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the Middle District of Pennsylvania. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the Middle District of Pennsylvania equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Third Circuit Internal Operating Procedures Chapter 10.6.

A True Copy:


Marcia M. Waldron,
Clerk

For the Court,


Clerk

Dated: November 25, 2002
DMM/cc: Mr. Jason Eric Benson
Kevin C. McNamara, Esq.

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12/2/0
vly

John J. Hare, Esq.
Alan S. Gold, Esq.
James D. Young, Esq.